

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)	
)	Criminal No. 05-CR-10204-GAO
v.)	
)	
PAUL HICKS,)	
)	
Defendant.)	

ASSENTED-TO MOTION TO CONTINUE TRIAL and TO EXCLUDE TIME

The government hereby moves to continue the trial in this matter, currently scheduled for July 10, 2006, to a date after September 3, 2006, and as grounds for this motion, states as follows:

1. The matter recently was transferred to the undersigned Assistant United States Attorney from AUSA Nadine Pellegrini, who will be leaving the U.S. Attorney's Office shortly on sabbatical.

2. Two days ago, defense counsel filed a motion seeking the disclosure of certain information relating to alleged sales of cocaine by the defendant to a confidential informant. The informant's recounting of these sales formed in part the basis for the search warrant in this matter. The defendant's motion contends the information could support his request for a Franks hearing in advance of trial.

3. The trial is currently scheduled for July 10, 2006. The parties anticipate that the trial will last four days.

4. Having recently received this case, the undersigned AUSA needs more time to deal with the new motion and particularly

to prepare for trial. Accordingly, the government seeks a short continuance of the trial.

5. The undersigned AUSA has spoken to defense counsel about this motion, and he assents to it.

6. If the Court grants the short continuance, the government further requests that the time between the trial date as currently scheduled and the new trial should be excluded under 18 U.S.C. § 3161(h)(8)(A). Defense counsel represents that his client would assent to this request. In support of this request the government submits that allowing the parties to address the discovery issue and to prepare better for trial would serve the ends of justice and outweigh the public's interest in a speedy trial.

WHEREFORE, the government requests that the Court continue the trial of this matter to a date after September 3, 2006, and exclude the time between the two dates.

Respectfully submitted,
MICHAEL J. SULLIVAN
United States Attorney

By: /s/ Jonathan F. Mitchell
JONATHAN F. MITCHELL
Assistant U.S. Attorney